

Mont. LBF 19. CHAPTER 13 PLAN.
[Mont. LBR 9009-1(b)]

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

IN RE:	
CHRISTOPHER S. HAYWOOD and SUSAN LIN HAYWOOD	Case No. 18-60041-BPH
Debtors	CHAPTER 13 PLAN DATED JUNE 30, 2018

To Debtors: In the following notice to creditors, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. If you oppose the plan's treatment of your claim or any provision of this plan, you must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed.

X ____ No This Plan contains non-standard provisions in paragraph 11.
Yes

____ X ____
Yes No This Plan limits the amount of secured claims in paragraph 2(b) which may result in a partial payment or no payment at all to the secured creditor.

____ X ____
Yes No This Plan avoids a security interest or lien in paragraph 11.

1. FUTURE EARNINGS/INCOME. The future earnings and other income of the Debtor(s) are submitted to the supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of this Plan, and Debtor(s) shall pay to the Trustee the sum of **\$515.00** each month for a term of **2** months, and then the sum of **\$725.00** each month for a term of **58** months, or until all of the provisions of this Plan have been completed. The Debtor(s) shall make payments to the Trustee by wage withholding from their employer(s).

2. PAYMENTS/DISBURSEMENTS. From the payments so received, the Trustee shall

make disbursements as follows:

(a) **Administrative Claims.** The Trustee shall pay those claims, fees or charges specified in 11 U.S.C. § 507(a)(2), including the Debtor(s) attorney fees and costs in such amount as may be allowed by the Court. As of the date of this plan, Debtor(s) counsel estimates that total attorney fees and costs for representation of Debtor(s) (excluding the fee for filing the Debtor(s) petition) will be as follows:

Estimated total attorney fees:	\$2500
	*
Estimated total costs	+ \$0
	= \$2500
Less retainer:	- \$2500

TOTAL FEES AND COSTS TO BE PAID THROUGH PLAN: \$00.00

* If this figure differs from the Disclosure of Compensation originally filed by the Debtor(s) attorney, said Disclosure must be amended simultaneously with the filing of this plan or amended plan, as provided in Fed. R. Bankr. P. 2016(b).

(b) **Impaired Secured Claims.** After the payments provided for above, the Trustee shall pay allowed secured claims, as determined pursuant to 11 U.S.C. § 506(a), together with interest at the rate set forth below from the date of confirmation, on a pro rata basis, as follows:

<u>Name of Creditor</u>	<u>Claim Number</u>	<u>Allowed Secured Claim *</u>	<u>Rate of %</u>
SANTANDER CONSUMER USA	#2	\$9823.24	4.5%

[* This figure is the lesser of the total amount of the debt owing to the creditor or the value of the collateral securing said debt.]

Secured creditors shall retain their liens as provided by 11 U.S.C. § 1325(a)(5)(B). In order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

(c) **Unimpaired Secured Claims.** The following secured creditors, whose claims will be left unimpaired by this Plan, are not provided for by this Plan and shall receive no payments through the Trustee except with regard to those arrearages specified below, if any:

<u>Name of Creditor</u>	<u>Claim No.</u>	<u>Description of Collateral</u>
US BANK TRUST NAT'L ASSOC. AS TRUSTEE OF THE BUNGALOW SERIES IN TRUST	#12	HOMESTEAD RESIDENCE

Concurrently with the payments on impaired secured claims specified above, the following arrearages on unimpaired secured claims, if any, shall be paid through the Trustee on a pro rata basis until the same have been paid in full:

<u>Name of Creditor</u>	<u>Claim No.</u>	<u>Amount of Arrearage</u>
US BANK TRUST NAT'L ASSOC. AS TRUSTEE OF THE BUNGALOW SERIES IN TRUST	#12	\$27,225.09

Upon completion of the Plan, all prepetition arrearages provided for by this Plan shall be deemed current.

(d) **Domestic Support Obligations.** After the payments provided for above, the Trustee shall pay all allowed prepetition domestic support obligations. Such allowed claims for prepetition domestic support obligations shall be paid in full under this Plan, without interest (unless otherwise provided).

<u>Creditor</u>	<u>Claim No.</u>	<u>Claim Amount</u>
NA		

(e) **Priority Claims.** After the payments provided for above, the Trustee shall pay allowed claims entitled to priority in such order as specified in 11 U.S.C. § 507.

(f) **General Unsecured Claims.** After the payments provided for above, the Trustee shall pay dividends, to the extent possible, to allowed unsecured, nonpriority claims on a pro rata basis.

(g) **Liquidation Analysis.** The total amount distributed under paragraphs 2(d), (e) and (f) above will be at least \$ **1200.00**, which exceeds what would be available to pay unsecured claims if the Debtor(s) estate was liquidated under Chapter 7 of the Bankruptcy Code. A discharge will not be entered by the Court until said sum has been distributed, or until all allowed unsecured claims have been paid in full, whichever is less.

3. REJECTION OF CONTRACTS OR LEASES. The Debtor(s) rejects the following executory contracts and unexpired leases, and shall surrender property subject to such contracts or leases:

<u>Type of Agreement</u>	<u>Date of Agreement</u>	<u>Other Party to Contract</u>
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All other executory contracts and unexpired leases shall be affirmed.

4. SURRENDER OF PROPERTY. The Debtor(s) surrenders any and all interest in the following described collateral to the stated secured creditor in full satisfaction of the creditor's

allowed secured claim. In order for any unsecured deficiency to be allowed and paid under this Plan, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules. Upon confirmation, the stay that arose under 11 U.S.C. § 362 and 11 U.S.C. § 1301 immediately terminates without further order. The termination does not authorize actions for personal liability or property not surrendered.

<u>Secured Creditor</u>	<u>Description of Collateral</u>
SETERUS MORTGAGE	Ex-wife's house in IA Awarded to ex. in divorce

5. POSTPETITION SECURED DEBT: The Debtor(s) reserves the right to incur post-petition secured debts, upon prior written approval of the Trustee, for items necessary to Debtor(s) performance under this Plan.

6. REPORT OF CHANGES IN INCOME: The Debtor(s) shall commit all projected disposable income to the Plan for the applicable commitment period and shall immediately report any changes in income in excess of 10% per month to the Trustee.

7. DECLARATIONS: Under penalty of perjury, Debtor(s) affirms that all federal and state income, employment and other tax returns due as of the date of this plan have been filed with the appropriate agency, and that all post-petition payments due on all domestic support obligations have been paid through the date of this Plan.

8. VESTING OF PROPERTY OF THE ESTATE. Property of the estate shall revest in the Debtor(s) upon (Check the applicable box):

☐ Plan confirmation.

☒ Closing of the case.

☐ Other: _____

9. PREVIOUS BANKRUPTCIES, AND DISCHARGE: (Check one)

☐ Debtor(s) is not eligible for a discharge of debts because the Debtor(s) has previously received a discharge described in 11 U.S.C. § 1328(f).

☒ Under penalty of perjury, Debtor(s) declares that he/she has not received a discharge in a previous bankruptcy case that would cause him/her to be ineligible to receive a discharge in the above-entitled case under 11 U.S.C. § 1328(f).

10. INCOME TAX REFUNDS: Debtor(s), within 14 days of filing the return, will supply the Trustee with a copy of each tax return filed during the Plan term and will (Check one):

☐ Retain any tax refunds received during the Plan term and has included them in

Debtor(s) budget.

X Turn over to the Trustee all income tax refunds received during the plan term.

11. NON STANDARD PLAN PROVISIONS.

Debtors will make mortgage payments through the Chapter 13 trustee by bankable funds made payable to Robert Drummond, Chapter 13 Trustee. Payments will begin in April of 2018.

These Plan provisions will be effective only if the applicable box on Page 1 of this Plan is checked.

12. CERTIFICATION. No changes have been made to the form required by Montana Local Bankruptcy Rules except those referenced in Paragraph 11 and the Debtor(s) is not seeking confirmation of any provision not allowed under the Federal Rules of Bankruptcy Procedure.

DATED this 30th day of June, 2018.

/s/ Christopher S. Haywood _____
Debtor, CHRISTOPHER S. HAYWOOD

/s/ Susan L. Haywood _____
Debtor, SUSAN L. HAYWOOD

/s/ Juliane E. Lore _____
Attorney for Debtors

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the 30th day of June, 2018, a copy of the foregoing CHAPTER 13 PLAN DATED JUNE 30th, 2018 was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by pre-paid USPS mail on the following parties:

BSI Financial Services
1425 Greenway Dr., Ste. 400
Irvine, TX 75038

Santander Consumer Usa
Po Box 961245
Ft Worth, TX 76161

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Montana Department of Revenue
PO Box 7701
Helena, MT 59604-7701

Cbb Collections
200 Nth 34th St
Billings, MT 59102

Collection Bureau Serv
212 East Spruce Street
Missoula, MT 59802

Credit Service Company
960 S 24th St W Ste D
Billings, MT 59102

Diversified Consultant
P O Box 551268
Jacksonville, FL 32255

H&r Accounts
5320 22nd Ave
Moline, IL 61265

Iowa Student Loan Ligu
6775 Vista Dr
West Des Moines, IA 50266

Kohls/capone
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051

Sca Collections Inc
Po Box 876
Greenville, NC 27835

Seterus Inc
14523 Sw Millikan Way St
Beaverton, OR 97005

Tami Lyn Swearingen
15650 590 Ave Story City
Story City, IA 50248

U S Dept Of Ed/Gsl/Atl
Po Box 4222
Iowa City, IA 52244

/s/ Juliane E. Lore
For Lore Law Firm, PLLC